

APPLICATION FOR LEAVE TO APPEAL AFTER SENTENCING ON PLEA OF GUILTY OR NOLO CONTENDERE

rev. 3/01

Use this form if you pled guilty, guilty but mentally ill, or nolo contendere for a crime, and you want to appeal your conviction or sentence. See MCR 7.205 for details on filing an application for leave to appeal.

When to file your application for leave to appeal

- Michigan Court Rule requires that you file the application within 12 months after the circuit court entered your judgment of sentence.
- Your appeal is not "filed" until it has been received by a clerk of the Court of Appeals. That means that if you mail your documents, they are not "filed" when you place them in the mailbox. They are filed when they reach the Court of Appeals and they are stamped by the clerk with the date and time of their arrival.

What to do before preparing and filing your application for leave to appeal

- The Court of Appeals needs copies of certain documents to process the appeal. You will probably need to prepare a letter to the circuit court requesting these documents. If you do not receive one or more of these items before filing your application, make 6 copies of the letter to file with the Court of Appeals to show that you have requested them. These documents are:
 1. A copy of the register of actions for your case. If you receive it before you file your application, make 6 copies of it.
 2. A copy of the plea and sentencing hearing transcripts. If you receive them before you file your application, make 1 copy of them.
 3. If you are raising a sentencing issue, the presentence information report. If you receive it before you file your application, make 1 copy of it.
- Get your prisoner account statement for the past 12 months. Make 1 copy.
- Make 5 copies of your judgment of sentence.

Complete the application for leave to appeal and prepare for filing

A copy of the application with instructions on how to fill it out is provided in the form. Print or type.

- Complete the application for leave to appeal including the cover sheet using the instructions. Sign and date the "original" of the application. Make 5 additional copies.
- Attach one copy of the judgment of sentence and register of actions to each of the applications. If you have not received one or both of these items from the circuit court, attach a copy of the request letter instead.

What happens if you don't file your application for leave to appeal correctly?

If you omit one of the required documents, the clerk's office in the Court of Appeals will send you a letter explaining what is defective about your filing and will give you 21 days to correct it. For example, if you wrote a letter to the circuit court asking for the register of actions, but that court has not sent it before you must file your application, then provide a copy of the letter to the Court of Appeals with your application. You will receive a defect letter from the Court of Appeals giving you 21 days to send the register of actions. By then, you should have received the register of actions and can forward it to the Court of Appeals.

How to file the application

You must file with the Court of Appeals the following documents to correctly submit an application for leave to appeal from your criminal conviction or sentence:

1. Five copies of an application for leave to appeal (including a statement of delay if applicable), one copy signed.
 2. Five copies of the judgment of sentence you are appealing.
 3. Five copies of the current circuit court register of actions. If the register of actions is not available when you file your application, substitute it with the request letter to the circuit court.
 4. One copy of the transcripts of your plea and sentencing hearings. If the transcripts are not available when you file your application, substitute it with the request letter to the circuit court.
 5. One copy of your prisoner account statement and certification, if applicable.
 6. A check or money order for \$250 to cover the entry fee. If you cannot afford to pay the entry fee, then you must file a motion to waive fees, along with an affidavit of indigency and, if you are incarcerated, a prisoner account statement and certification for the past 12 months.
- Send one copy of the application and attachments to the prosecutor in the county where you were convicted. Complete the proof of service on the "original" and on your copy showing that you mailed a copy to the prosecutor.

Where to file your application for leave to appeal

- Send the "original" application and 4 copies of the application for leave to appeal and attachments, along with one copy of the transcripts (if available) and one copy of the Prisoner Account Statement (if applicable), to the Clerk of the Court of Appeals at one of the addresses below.

Michigan Court of Appeals
1001 Woodward Avenue
Suite 900
Detroit, MI 48226-1970
(313) 256-9212

Michigan Court of Appeals
American Center Bldg
27777 Franklin Road, Suite 645
Southfield, MI 48034-8256
(248) 353-6763

Michigan Court of Appeals
Washington Square Bldg
109 W. Michigan Avenue
Lansing, MI 48909-7522
(517) 373-0786

Michigan Court of Appeals
State of Michigan Office Bldg
350 Ottawa Street, NW
Grand Rapids, MI 49503-2349
(616) 456-1167

More Instructions

- Keep one copy of the application and attachments for yourself.
- If there are any items which you ordered from the circuit court but did not receive prior to sending your application, you must forward the appropriate number of copies of these items to the Court of Appeals when you receive them (5 copies of the register of actions, 5 copies of the judgment of sentence, 1 copy of transcripts, 1 copy of presentence information report). You must also send a copy of these items to the prosecutor, and provide a proof of service to the Court of Appeals that you served the prosecutor with these items. You must date and sign this proof of service.

THE PEOPLE OF THE STATE OF MICHIGAN	v	Defendant's name, address, and inmate no.
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STATEMENT OF DELAY

- ☐ I did not know until recently that I could appeal the decision.
- ☐ I could not afford the postage and copying costs to file this application.
- ☐ I did not know until recently how to appeal the decision.
- ☐ I needed to get help to complete this application.
- ☐ Other: _____
- Explain

APPLICATION

- | Count | PLEA | | CRIME | CHARGE CODE(S)
MCL citation/PACC Code |
|-------|------|----|-------|--|
| | G | NC | | |
| | | | | |
| | | | | |
| | | | | |

3. I was sentenced as stated below by Judge _____ .
Name of judge

[illegible]

- MCR 7.205, MCR 7.212, MCL 770.3a(4)

APPLICATION continued

5. STATEMENT OF QUESTIONS INVOLVED

State the issues that you want the Court of Appeals to review, such as how you believe the circuit court erred in accepting your plea or imposing the sentence. If you need more space, attach additional pages.

[illegible]

6. STATEMENT OF FACTS

Give any facts not stated in items 2, 3, and 4 on page 1 that are relevant to this appeal. You must also state the transcript pages or other parts of the record that support your facts. If you need more space, attach additional pages.

[illegible]

continued on page 3

7. ARGUMENTS

For each issue listed in item 5. on page 2, state the law that supports your position and explain how the law applies to the facts of your case. If you need more space, attach additional pages.

8. RELIEF REQUESTED

State what you want the Court of Appeals to do.

Date

Signature

PROOF OF SERVICE

I certify on this date a copy of this application and appropriate attachments were served on the prosecutor of

_____ County by ☐ personal service. ☐ mail.

Date

Signature